THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16149 of 2007

30.7.2007

Between:
Srinivasa Real Estates, represented by its
Managing Partner – Chodisetty Satya Nageswara Rao

…Petitioner

AND

The District Collector, Visakhapatnam
And others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16149 of 2007

ORDER:

The petitioner firm purchased the land admeasuring Acs.3.63 in survey Nos.119/2A & 2D, 119/2A & 3E and 119/2B situated at Namavaram village of Payakaraopeta Mandal in Visakhapatnam Mandal under various registered sale deeds in October/November 2006 from various persons. The third respondent initiated action on an allegation that the land purchased by the petitioner is an assigned land and that alienation is prohibited under Section 3(2) of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). After receiving notice in Form No.I under Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (the Rules, for brevity), petitioner firm submitted explanation on 10.1.2007. Third respondent issued proceedings in Rc.No.62/2007/A, dated 20.4.2007, ordering resumption on the allegation that the land purchased by the petitioner and others is in contravention of Section 3(2) of the Act. Aggrieved by the proceedings of the Tahsildar, present writ petition is filed.

Learned Counsel for the petitioner contends that the explanation submitted by the petitioner firm was not considered by the third respondent and an opportunity of hearing was not granted and therefore the impugned order is unsustainable being in violation of principles of natural justice. **Opposing** the writ petition, learned Assistant Government Pleader for Revenue (Assignment) submits that the writ petition would not lie as the petitioner has effective alternative remedy by way of appeal before the Revenue Divisional Officer –

second respondent herein; under Section 4A of the Act.

In their explanation, the petitioner firm *inter alia* contended that the land in survey Nos.119/2A & 2D, 119/2A & 3E and 119/2B situated at Namavaram village in Payakaraopeta Mandal in Visaakhapatnam District, is not assigned land and therefore the Act has no application to their sale. They also contended that the land is patta land owned by its vendors and the allegation that they are not in possession is not correct. Learned Counsel also points out that the land in survey Nos.118/4B1, 118/4B2, 119/2A & 2C and 122/1D was not purchased by the petitioner and the land purchased by the petitioner is not assigned land. It is also urged that when taking action in respect of the assigned land the land purchased by the petitioner was also included. This is certainly a matter for verification. Now that an order is already passed by the third respondent, petitioner can as well agitate this question before the appellate authority. Learned Counsel for the petitioner submits that the land has not been taken possession from the petitioner firm and if that be so there shall be *status quo* for a period of two weeks from today. Petitioner is given liberty to file appeal before the second respondent within a period of one week from today duly enclosing a copy of this order and also obtain appropriate interim orders from the appellate authority.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

July 30, 2007

NOTE:
Dispatch order copy by
31.7.2007.
(By order)
YS